

Another factor frequently robbing a latent accidental impression of clearness is the fact that the finger was not held firmly and steadily, or that too much violence was used when the article was taken in hand. To analyze conscientiously such a blurred and indistinct print, to compare it with an inked and deliberately taken impression from the suspect's fingers and to pick out points of identity is a task often requiring many hours of ardent endeavor. The State has this advantage, that its experts are given unlimited time and opportunity to study the imprints involved, while the defense is denied access to them in advance of their introduction in court.

As the accidental impression is invariably too small and too indistinct to permit a lay jury to form an opinion concerning its alleged identity with the clear black-and-white inked impression taken from the defendant's finger, enlarged photographs are submitted, which, however, have been made by the State and carefully guarded. Does a photograph always give a true likeness of the object it is supposed to portray? Decideably not! It is a frequent occurrence that a photograph of an individual does not resemble that individual at all. Conditions of atmosphere, of the temperature of developing or fixing solutions, may greatly affect the resulting photographic negative. And there are other factors, some of them unfathomable. Faulty chemicals, careless or inexpert manipulation especially when the wet-plate process is used, may result in overdeveloping any portion of the negative, thereby cutting out a line, a dot, or any apparently negligible detail, while underdevelopment may fail to bring out an important point.

Nor is the inaccuracy in photographic procedure necessarily accidental. Where there is a deliberate intent to commit a fraud the opportunities are many. It is an easy matter to lift the developed film temporarily off the plate, to stretch it, to give it a twist, or to employ any of a hundred artifices -- ask any photo-engraver -- to effect more or less radical changes in the photographic reproduction of the object which it is intended to portray. The operative's skill, nothing else, sets, the limit. While such trick photography is readily apparent in the portraiture of many objects, in the case of a finger-print with its labyrinth of lines, detection becomes virtually impossible.

Despite these facts, the defense is not permitted to have its own operative make a photograph of the crime-point, to study it, to pick out points of variance as the State picks out points of similarity. It must be satisfied with the word of the opposing "expert" that the photograph is a true likeness of the finger-mark found on the crime-scene.

My own interest in this question was first aroused when I observed an Oklahoma police officer deliberately "doctor" a finger-print photograph for the purpose of increasing or strengthening evidence in a train robbery case with \$33,000 in rewards offered for a conviction. I have not hesitated to give this officer's name, telling of the episode in two books --